

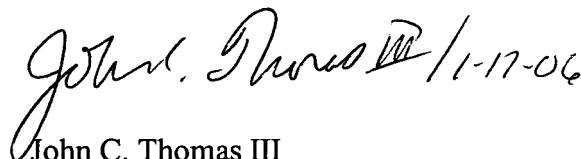
involved in the modification proposed by the examiner.” BPAI August 31, 2005 decision,
page 7.

Enclosed is the Declaration of Jim Moon, an expert in the field, which is factual evidence
of the tradeoff situation.

- III -
CONCLUSION

In view of the above, it is submitted that the claims now in the application are in better
form for consideration on appeal. Accordingly, entry of the Amendment is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John C. Thomas III", followed by a date "11-17-06".

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